

## **Exhibit D**

MICHAEL COATES Volume 1  
REPASS vs TNT CRANE AND RIGGING

July 30, 2021

1

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE WESTERN DISTRICT OF TEXAS  
3                   MIDLAND DIVISION

4                   TIMOTHY W. REPASS and               §  
5                   WILLIAM SCOTT McCANDLESS,       §  
6                   Individually and On               §  
7                   Behalf of All Others              §  
8                   Similarly Situated,               §  
9    §  
10    §

11    Plaintiffs,               § NO. 7:18-CV-107-DC  
12    §  
13    §  
14    §  
15    §  
16    §  
17    §

18                   VS.                                    §  
19                   TNT CRANE AND RIGGING,           §  
20                   INC.,                                §  
21    §  
22    §  
23    §  
24    §  
25    §

1                   Defendant.                           §

2    \*\*\*\*\*

3    ORAL DEPOSITION OF

4    MICHAEL COATES

5    APPEARING REMOTELY FROM

6    MIDLAND COUNTY, TEXAS

7    July 30, 2021

8    Volume 1

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10    ORAL DEPOSITION OF MICHAEL COATES, produced as a

11    witness at the instance of the Defendant, and duly  
12    sworn, was taken in the above-styled and -numbered cause  
13    on the 30th day of July, 2021, from 11:59 a.m. to 1:38  
14    p.m., before Kristine Utley, Certified Shorthand  
15    Reporter, in and for the State of Texas, reported by  
16    machine shorthand, remotely from Ellis County, Texas,  
17    pursuant to the Federal Rules of Civil Procedure and the

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1 paid for that portion of the drive time from the time  
2 you stop at the store to buy the supplies for the rest  
3 of your trip to the job site?

4 A. That -- that might be the majority, but the  
5 other part is leaving the yard with a rigger to only  
6 have to take one vehicle out to a job site and then  
7 returning the rigger back to the yard to his vehicle so  
8 that he can go home.

9 Q. And were there times where you would put on  
10 your time sheet the time that you spent at the yard to  
11 pick up the rigger and then drive out to the job site?

12 A. The best I can remember, no. We weren't  
13 allowed to charge -- we just had to be at the yard to  
14 pick up the rigger and we weren't -- our time didn't  
15 start till we got on location; that was a big point of  
16 contention.

17 Q. What if you came into the yard before you  
18 headed out to location to fill up the drag tank in  
19 your -- in, you know, the pickup, would you put down  
20 time on your time sheet for the time you spent in the  
21 yard?

22 A. No, they considered that just like getting it  
23 from a gas station. We didn't get paid to turn in  
24 tickets, even though that was required at least two to  
25 three times a week. We did not get paid to, you know,

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1 if we got ice or water, that was typically mornings  
2 where we would be turning in tickets or evenings when we  
3 would be turning in tickets where we would get fuel and  
4 ice and water for the next day at the yard or for that  
5 day that we were starting.

6 Q. Did you ever buy enough water and ice to last  
7 for several days?

8 A. Not on a typical basis. If I bought water it  
9 would be a case of water, which would typically, I mean,  
10 you would need to get a case a day. If I got it from  
11 the yard I would get a couple of cases if they had it,  
12 if they had enough water, which they were pretty decent  
13 about having enough water, but I would still have to get  
14 ice every single day.

15 Q. Were there times where you would only make a  
16 trip to the yard for the limited purpose of dropping off  
17 paperwork?

18 A. I would believe so. I mean, to the best of my  
19 knowledge, you know, looking back I probably made a few  
20 trips to the yard just to drop off paperwork, but I  
21 tried -- I mean, most of my jobs were in the other  
22 direction from the yard, so I -- the only time that I  
23 had to go to the yard was to drop off tickets, so I  
24 would get WD-40 or PB Blaster, I would get brake clean.

25 I worked -- most of the time I worked days

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1 Q. So basically standby time would include being  
2 paid for hours that you did not work; is that correct?

3 A. Yes, yes, I would say that's a fair summation.

4 Q. On the first day of a job when you were  
5 mobilizing the equipment out to the job location, would  
6 you get paid for the travel time associated with that?

7 A. If we were bringing -- if we were bringing a  
8 crane from the yard, yes, we would get that travel time.

9 Q. And then at the end of the project when you  
10 were demobilizing and bringing the crane back to the  
11 yard, would you get paid for that travel time as well?

12 A. Yes, we would get paid for that because I was  
13 driving a commercial vehicle. They -- TNT was very good  
14 about when we were driving a commercial vehicle for  
15 paying our time.

16 Q. And how often would you make those stops and  
17 purchase fuel for the drag tank for the crane?

18 A. For the drag tank, maybe every two to three  
19 days to fill up the auxiliary tank, every two to three  
20 days.

21 Q. And typically on these jobs that you were  
22 working as a crane operator, could the crane run for two  
23 days without having to be refueled?

24 A. Yes, it could run for -- it could run for  
25 about -- it could run for right about two days before it